

From: [Elizabeth Goldmann](#)
To: [Goldmann, Elizabeth](#)
Subject: Fw: Questions on ACE "Determination of Two Reaches of the Santa Cruz River as TNW"
Date: Tuesday, October 25, 2016 10:14:15 AM

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From	To		
"Troxel, Tiffany A SPL" <Tiffany.A.Troxel@usace.army.mil>	Jessica Kao/R9/USEPA/US@EPA		
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Description			Form Used:
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FW: Questions on ACE "Determination of Two Reaches of the Santa Cruz River as TNW"		06/12/2008 04:32 PM	
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0	15,768		Jessica Kao
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I am out of the office tomorrow but would like to coordinate some (or all if you want) the responses with you over the weekend if possible. Can you call me or email me over the weekend to discuss responses

to the questions posed below by Wick Newspapers? Home number is (b) (6)

(b) (6)

By the way, we received an ASA inquiry regarding the TNW memo. It is my understanding that at the end of a meeting between the ASA and the Farm Bureau, Virginia Albrecht asked Woodley if he was aware of a bad TNW determination that SPL had made on the Santa Cruz River in Arizona that had only sewage flow. Woodley asked his staff to look into it and report back tomorrow.

Tiffany

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----- Original Message -----

Sent: Tuesday, June 10, 2008 9:30 PM

Subject: Questions on ACE "Determination of Two Reaches of the Santa Cruz River as TNW

Hello Marjorie: 1. What is the geographical area that you work in? Can you provide some examples of similar analyses of significant nexuses that the LA office is working on? Can you provide some examples of similar analyses that you anticipate conducting?

2. GENERAL: How much time does the Corps estimate it has to put toward proving significant nexuses in making decisions under Sec 404 of the CWA post Rapanos? How much time in the Los Angeles district? Is the Corps behind in making decisions on 404 permits and can you estimate how far behind for the LA district and in the Arizona counties that you are working?

3. CWA Restoration: Does the Corps have a position on whether or not restoration to pre Rapanos-SWANCC powers of the Clean Water Act by Congress would aid it in doing its job of enacting section 404 of the Act? Does the LA office have an opinion? Has the Corps testified on the Feingold and Oberstar Clean Water Act Restoration Acts?

4. Who initiated this Santa Cruz study? Why were these sections chosen? What is the significance of these two parts of the Santa Cruz River being TNW? How will it impact both Section 404 and Section 402 decisions under the CWA along drainages and tributaries that discharge into these sections of the Santa Cruz River?

Can waterways that enter into these sections of the Santa Cruz be ephemeral in nature and not perennial? Why would this be so under post Rapanos interpretations? Are there other parts of the River that you will be assessing?

5. Do you have a map (pdf preferrably) that shows those waterways entering into the two sections analyzed?

6. Can you explain how ADEQ requiring the Santa Cruz River to meet standards for partial body contact affects the Corps assessing the sections you have for TNW?

7. If it were 2005 and not 2008, would this study be necessary for the Corps to implement sections of the Clean Water Act?

8. Will it be the Corps that must conduct such assessments of all waterways for all sections of the Clean Water Act or are other agencies capable of doing so for non-section 404 permitting?

9. What role would you be playing as an agency in the NEPA process for the Rosemont mine?

Any help you can provide will be greatly appreciated.

Thanks much

Dick Kamp

Environmental Liaison

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